

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PANAMA-BUENA VISTA UNION  
SCHOOL DISTRICT.

OAH Case No. 2015040188

ORDER GRANTING MOTION TO  
AMEND COMPLAINT AND  
ORDERING MATTER TO BE SET AS  
BOTH EXPEDITED AND NON-  
EXPEDITED

On April 3, 2015, Student filed a Due Process Hearing Request (complaint), naming Panama-Buena Vista Union School District. The complaint included expedited and non-expedited issues. On April 22, 2015, Student dismissed the expedited claims in the complaint. On August 6, 2015, Student filed a Request to Amend the complaint (amended complaint), accompanied by the proposed amended complaint. The amended complaint included issues requiring an expedited hearing. Student requested that the due process hearing on the amended complaint proceed as currently scheduled. District did not file an opposition.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).) Where a complaint raises issues under title 20 United States Code section 1415(k), a local educational agency is required to convene a meeting with the parents and the relevant members of the Individualized Education Program (IEP) team within seven days of receiving notice of the Student's expedited complaint, unless waived in writing by both parties. (20 U.S.C. 34 C.F.R. § 300.532(c)(3).) The hearing on those issues must occur within 20 school days of the filing of the complaint. (20 U.S.C. § 1415(k)((4)(B); 34 C.F.R. 300.532(c)(2).)

The motion to amend is timely and is granted. Student's request to maintain the currently scheduled hearing dates is denied. All dates currently scheduled are vacated.

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. The Office of Administrative Hearings will issue a dual scheduling order with new expedited and non-expedited mediation, prehearing conference and hearing dates.

IT IS SO ORDERED.

DATE: August 12, 2015

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings